DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Rockville MD 20857

I-011741-X-0018-CE

U.S. Fish and Wildlife Service
U.S. Department of Interior
Attention: David Erdahl, Ph.D.
Branch Chief, Aquatic Animal Drug Approval Partnership Program
4050 Bridger Canyon Road
Bozeman, MT 59715

Re: Claim of categorical exclusion for investigational use of AQUI-S (eugenol)

Dear Dr. Erdahl:

Your April 21, 2011, claim for a categorical exclusion (CE) from the requirement to prepare an environmental assessment meets the criteria for CE under 21 CFR 25.33(e) for the investigational use of AQUI-S E (50% eugenol) and AQUI-S 20E (10% eugenol). Your submission also adequately states that to your knowledge no extraordinary circumstances exist that may significantly affect the human environment. Therefore, neither an environmental assessment (EA) nor an environmental impact statement (EIS) is required.

The drugs are proposed for investigational use in all freshwater and marine finfish as an immersion treatment for sedation to a handleable condition.

This CE from the preparation of an EA and an EIS does not relieve you of the responsibility for determining and meeting all Federal, State, and local environmental and occupational laws and regulations that apply to the manufacturing, use, and disposal of investigational drugs.

You are responsible for complying with the Federal Clean Water Act as implemented under the National Pollutant Discharge Elimination System (NPDES), as well as any applicable ground-water pollution requirements, for all investigational sites covered under this INAD. Prior to first use of eugenol, the offices responsible for issuing NPDES permits, and other similar discharge permits, for site(s) of use, must be contacted to be certain they have no objection to the use and release of the investigational drug.

In the future, changes to your study protocol(s) or investigational conditions (e.g., additional facilities or new fish species) under this INAD may be made without the need for a new CE request. In your Annual Report, you must list all new facilities that have used the investigational drug and provide assurance that all new facilities have reported to their EPA or state NPDES permitting authority on the use of the investigational drug. In addition, if new information becomes available to you, which indicates that extraordinary circumstances may exist as described in 21 CFR 25.21, you should inform CVM immediately so that we may determine if the CE continues to apply. A new CE request or preparation of an EA may be needed if new information becomes available that indicates that investigational use of the drug could lead to a potential for serious harm to the environment (i.e., extraordinary circumstances may exist).

This CE only addresses the investigational use of your product. Before submitting your administrative new animal drug application (NADA), a separate request for a CE or preparation of an EA for the NADA is required.

If you submit correspondence relating to this letter, your correspondence should reference the date and the principal submission identifier found at the top of this letter. If you have any questions or comments, please contact Mr. Charles Eirkson, Leader, Environmental Safety Team, at 240-276-8173, or Dr. Eric Silberhorn of the Environmental Safety Team at 240-276-8224.

Sincerely,

{see appended electronic signature page}
Anna B. Nevius, Ph.D.
Acting Director, Division of Scientific Support
Office of New Animal Drug Evaluation
Center for Veterinary Medicine

Electronic Signature Addendum for Submission ID

I-011741-X-0018-CE

Signing Authority (Role)	Letter Date
Charles Eirkson (Division Director) - Acting	9/13/2011

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DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Silver Spring, MD 20993

I-011741-X-0069-CE

U.S. Fish and Wildlife Service
U.S. Department of the Interior
Attention: David Erdahl, Ph.D.
Branch Chief, Aquatic Animal Drug Approval Partnership Program
4050 Bridger Canyon Road
Bozeman, MT 59715

Re: Claim of categorical exclusion for investigational use of AQUI-S 20E (10% eugenol) in freshwater and marine finfish for light sedation

Dear Dr. Erdahl:

Your October 15, 2014, claim of categorical exclusion (CE) meets the criteria for CE under 21 CFR 25.33(e) for the investigational use of AQUI-S 20E (10% eugenol) bath treatment. The drug is proposed for investigational use in freshwater and marine finfish for light sedation at a dose of 1-15 mg/L for up to 8 hours. Your submission also adequately states that to your knowledge no extraordinary circumstances exist that may significantly affect the quality of the human environment (21 CFR 25.21). We agree that the proposed use of this drug as described above falls within the claimed CE and we are not aware of any extraordinary circumstances. Therefore, neither an environmental assessment (EA) nor an environmental impact statement (EIS) is required.

If in the future you intend to conduct investigational studies that will involve large quantities of water being treated with AQUI-S 20E, including sedation for transport in tank trucks, please request a new CE and provide us with information on your proposed investigational use (e.g., concentration of eugenol, volume of water to be treated, location of discharge) so that we can evaluate whether significant environmental impacts will occur.

You are responsible for complying with the Federal Clean Water Act as implemented under the National Pollutant Discharge Elimination System (NPDES), as well as any applicable ground-water pollution requirements, for all investigational sites covered under this INAD. Prior to the use of AQUI-S 20E under this INAD, the offices responsible for issuing NPDES permits, and other similar effluent discharge permits, for all sites of investigational use, must be contacted to be certain they have no objection to the use and release of the investigational drug. You must also comply with all drug use reporting requirements specified in 40 CFR 451.3(a) for concentrated aquatic animal production facilities. In addition, this CE from the preparation of an EA and an EIS does not relieve you of the responsibility for determining and meeting all other Federal, State, and local environmental and occupational laws and regulations that apply to the manufacturing, use, and disposal of investigational drugs.

This CE only addresses the investigational use of your product. Before submitting your administrative new animal drug application (NADA), a separate request for a CE or preparation of an EA for the NADA is required.

For all claims of CE under 21 CFR 25.33, we ask that you include relevant drug information to allow CVM to properly evaluate extraordinary circumstances (21 CFR 25.21), and to ensure that we can properly document the CE. The following should be included, if known: the target species, indication(s), dose, duration, frequency, route of administration, how it will be dispensed (e.g., prescription, over-the-counter), established name, and proprietary name. If any of the above information is not known at the time that the CE is submitted, this should be indicated in the submission.

In the future, changes to your study protocol(s) or investigational conditions (e.g., additional facilities or new fish species) under this INAD may be made without the need for a new CE request, except as previously described above. In your Annual Report, you must list all new facilities that have used the investigational drug and provide assurance that all new facilities have reported to their EPA or state NPDES permitting authority on the use of the investigational drug. In addition, if new information becomes available to you, which indicates that extraordinary circumstances may exist as described in 21 CFR 25.21, you should inform CVM immediately so that we may determine if the CE continues to apply. A new CE request or preparation of an EA may be needed if new information becomes available that indicates that investigational use of the drug could lead to a potential for serious harm to the environment (i.e., extraordinary circumstances may exist).

If you submit correspondence relating to this letter, you should reference the date and the principal submission identifier found at the top of this letter. If you have any questions or comments, please contact Dr. Wesley Hunter, Toxicologist, Environmental Safety Team, at 240-402-0835. You may also contact Dr. Holly Zahner, Leader, Environmental Safety Team, at 240-402-0834.

Sincerely,

{see appended electronic signature page}
Veronica N. Taylor, Ph.D.
Director, Division of Scientific Support
Office of New Animal Drug Evaluation
Center for Veterinary Medicine

Electronic Signature Addendum for Submission ID

I-011741-X-0069-CE

Signing Authority (Role)	Letter Date
Veronica Taylor (Division Director)	1/20/2015

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